And the said Elizabeth Kennedy Adm.tx as afsd by Stephen Bordley her Attorney comes and defends the Force and Injury when pr. and prays a hearing of the Writing Obligatory afsd and it is read unto her she prays also a hearing of the Condition of the said Writing Obligatory and she hath it in these Words following The Condition of the above Obligation is such That if the above Bound James Woodland James Gray their Heirs Executors Adm.rs shall pay to the named Thomas Harris his Heirs Ex.rs Adm.rs & Assigns the Sum of Two hundred and twenty six Pounds twelve Shillings and six pence on or before the first Day of September next ensuing the date hereof then the said Obligation to be Void otherwise of Force But if default be made of the Payment last mentioned then We do hereby Impower any Attorney Practising the Law in any Court of Record in Maryland or other his Majestys Dominions to appear for Us as of next Provincial Court or any other subsequent Court and to receive a Declaration on the above Obligation at the Suit of the same Thomas Harris and thereupon to Confess Judgment by Cognovit Actionem Nonsum informatus hereby releasing all Errors that may happen on the said Judgment or any the Proceedings thereto relating

She prays also a hearing of the Original Writ of him the said Thomas Impetrated in the Action aforesaid and she hath it as followeth to wit Maryland ss. Charles Absolute Lord and Propry. of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. To the Sheriff of Kent County Greeting We Command you that you take Elizabeth Kennedy late of Kent County Widow lately called Elizabeth Gray of Kent County Widow Executrix of James Gray late of Kent County Planter deceased otherwise lately called James Gray of Kent County and Province afsd if she shall be found in your Bailiwick and her safe keep so that you have her Body before the Justices of our Provincial Court to be held at Annapolis the Third Tuesday of October next to answer unto Thomas Harris of a Plea that she render unto him the Sum of four hundred and fifty three Pounds five Shillings Current Money of the Province aforesaid which from him she unjustly detains &c. Hereof fail not at your Peril and have you then there this Writ Witness Benjamin Young Esq. Chief Justice of our Provincial Court the 10th day of May in the 35th Year of our Dominion &c. Anno Dominie 1749. Issued May 10th 1749. (J Tilghman) B Burgess Clk

Which being read and heard the said Elizabeth Kennedy by her said Attorney prays leave to Imparle hereunto untill next Court and she hath it and the same day is given to the Plaintiff also

At which said next Court to wit the 10th day of April Anno Dom 1750 Come again the said parties Plaintiff and Defendant by their Attorneys afsd and the said Defendant by his said Attorney prays further leave to Imparle hereunto untill next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the 11th day of September Anno Dom 1750 Come again the said Parties Plaintiff and Defendant by their Attorneys afsd and the said Defendant by his said Attorney prays further leave to Imparle hereunto untill next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the 9th day of April Anno Dom 1751. Come again the said Parties Plaintiff and Defendant by their Attorneys afsd and the said Defendant by her said Attorney prays further leave to Imparle hereunto untill next Court and she hath it and the same day is given to the Plaintiff also

At which said next Court to wit the 11th day of September Anno Dom 1751. Comes again as well the said Thomas Harris by his Attorney afsd as the afsd Elizabeth Kennedy &c. as afsd by her Attorney afsd And the said Elizabeth by her said Attorney as (before)

before defends the Force and Injury when pr. and saith that she with the Debt afsd. by Virtue of the Writing afsd ought not to be Authorised because she saith That the Writing aforesaid is not the Deed of the aforesaid James Gray the Testator and of this she puts herself upon the Country And the aforesaid Thomas in like manner

And the afsd Elizabeth by leave of the Court here and according to the form of the Statute in such Cases made and provided further defends the Force and Injury when pr. and saith that the afsd Thomas his Action afsd thereof against her to have or maintain ought not because as to the Sum of Ninety nine Pounds Seven Shillings part of the Sum of two hundred and twenty six Pounds twelve Shillings and six Pence in the Condition of the said Writing Obligatory mentioned the said Elizabeth saith that the afsd James Woodland in the Writing Obligatory Named and the afsd James the Testator in his Lifetime after the making the Writing Obligatory afsd and before the Impetration of the Original Writ of him the said Thomas to wit on the first Day of September in the Year of our Lord Seventeen hundred and forty six in the Condition afsd mentioned at Kent County aforesaid paid to the aforesaid Thomas the afsd sum of Ninety nine Pounds Seven Shillings in part of the debt afsd in the Condition of the said Writing Obligatory mentioned And as to the Sum of One hundred and twenty seven Pounds four Shillings residue of the afsd. Sum of Two hundred and twenty six Pounds twelve Shillings & six pence and Interest thereon the said Elizabeth saith that she the said Elizabeth after the Death of him the said James the Testator and before the day of the Impetration of the Original Writ of him the said Thomas to wit on the sixth day of August in the Year of our Lord Seventeen hundred and forty seven at Kent County aforesaid paid to the afsd. Thomas the Sum of One hundred and thirty four Pounds Seven Shillings in full Satisfaction and Discharge of the residue of the aforesaid Sum of two hundred and twenty six Pounds twelve Shillings and six Pence and Interest according to the form & effect of the Condition of the Writing Obligatory afsd which aforesaid Sum of One hundred & thirty four Pounds seven Shillings the afsd Thomas of her the said Elizabeth in full satisfaction and Discharge of the aforesaid Condition of the said Writing Obligatory then and there received and accepted and this she is ready to verify pr. wherefore she prays Judgment if the afsd Thomas his Action afsd thereof against her to have or maintain ought pr.

And the afsd Thomas Harris saith that by any thing Prealledged he ought not to be Precluded from having his Action afsd against the said Elizabeth because he saith that the said James Woodland & the said James the Testator or either of them never paid the said Thomas Harris the afsd. Sum of Ninety nine Pounds seven Shillings nor did she the said Elizabeth since the Death of the same James her Testator pay unto the said Thomas Harris nor did he ever receive from her the afsd One hundred and thirty four Pounds seven Shillings in full Satisfaction and Discharge of the residue of the Debt in the Condition afsd mentioned and of the Interest thereon due as she by her Plea afsd above hath alledged and this he prays may be enquired of by the Country and the Defendant also

Whereupon for trying the Issues afsd Command is given to the Sheriff of Adm.tx County that he immediately Cause to come here Twelve good and lawfull Men of his Bailiwick by whom pr. who neither pr. to Recognize pr. because as well pr. of which said Precept the said Sheriff to wit John Gassaway Esq. makes return that he has here ready Twelve pr. as by his said Precept he was Commanded to wit John Shiles, William Daffiels, David Patterson, John Dossey, Cornelius Barber, George Medford, James Osborne, Moses Hubbert, William Lagson, Samuel Marshall, Rouse Tapit and Robert Raine who being duly Checked Tryed and sworn to say the Truth in the Premises upon their Oath do say That the said Writing Obligatory is the Deed of the afsd James Gray the Testator in manner and form so (as)